



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-700
Regulation title	Child Protective Services Central Registry Information
Document preparation date	October 18, 2006

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 21 (2002) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the *Code of Virginia* gives the State Board of Social Services the responsibility to make rules and regulations to carry out the purposes of social services. Sections 63.2-1514 and 63.2-1515 of the *Code of Virginia* provide additional legal mandates to regarding the retention of records in Child Protective Services (CPS) reports and the release of information in CPS reports in the Central Registry.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No alternatives to the existing regulation were considered because the *Code of Virginia* requires the retention of records in all CPS reports.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Sharon R. Veatch Executive Director Virginia Child Care Resource & Referral Network	There is a strong concern that the removal of the category "reason to suspect" has increased the vulnerability of children and we recommend the Department consider including a fourth level of founded complaints to address a situation that could result in the "potential to harm" as an alternative to "reason to suspect".	This comment cannot be addressed in regulation as a change in the Code of Virginia would be required.
Robyn Dillon	No suggested amendments; should be retained in their current forms.	Acknowledgement of receipt of the comment.
E. William Geniesse Middlesex County Department of Social Services	Do not support any change in the retention of information in the central registry that would have the effect of reducing the length of time information is retained or reducing the amount or kinds of information entered.	Acknowledgement of receipt of the comment.
Christie Marra Virginia Poverty Law Center	Suggests listing the elements of a valid report or complaint in the definition of valid report. Suggests adding an additional level for founded cases to represent the most serious abuse and neglect for a total of four levels of findings for investigations and changing the periods of retention for the levels from never purging unless ordered by the court or through administrative appeal to one year for the most minor founded reports.	The specific elements of a valid report are noted in the <i>Code of Virginia</i> and in CPS Policy and are unnecessary in the definition section of the regulation. This comment cannot be addressed in regulation as a change in the Code of Virginia would be required.

The agency received four comments about the existing regulation. The changes that are recommended cannot be made in regulation but require a change in the *Code of Virginia*.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The existing regulation meets the criteria set out in Executive Order 21 and is necessary for the protection of public health, safety and welfare. The regulation is as clear and concise as possible.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The State Board of Social Services recommends that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

The purpose of retaining CPS reports is to provide local departments of social services with information about any prior CPS reports. While prior history is not evidence of current abuse or neglect, the information can assist local departments in determining the appropriate CPS response and the urgency of that response. The retention of CPS reports can increase child safety and family stability.